

JUDGE DALZELL'S  
SCHEDULING POLICY STATEMENT

1. Judge Dalzell orders Rule 16 scheduling conferences about two weeks after the defendant responds to the complaint. Settlement invariably appears on the agenda of this conference.
2. Absent compelling circumstances, counsel should file motions to dismiss, transfer, add parties or seeking other threshold action before the conference. Counsel should file summary judgment motions so as not to delay trial, and in any event at least thirty days before the trial date. Counsel should note the prospect of Rule 56 motions at the conference.
3. The conference usually takes ten to twenty minutes. Absent extraordinary circumstances, the conference will not be held by telephone. Absent extraordinary circumstances approved in advance of the conference, trial counsel must attend.
4. In an uncomplicated case, discovery should be completed in sixty to ninety days, with a trial listing shortly thereafter. In complex cases, longer periods of discovery may be permitted. The discovery deadline is in no sense a hypothetical date. It will only be changed for weighty cause shown.
5. The trial listing will be for a specific date, typically a Monday, for jury trials. These trial listings do not constitute a "pool". The case will be called for trial on the date assigned unless Speedy Trial Act constraints in a criminal case are preemptive.
6. Judge Dalzell typically does not hold a further conference unless counsel requests one to discuss settlement or a special trial issue. Judge Dalzell always seeks to help the parties achieve the settlement of their disputes.
7. Counsel should make requests for continuance by motion, with a concise explanatory memorandum appended. Judge Dalzell will grant a continuance only for the most compelling

reasons; in any event, Judge Dalzell considers motions for continuances on their merits, whether opposed or unopposed. In any motion for continuance, Judge Dalzell reserves the right to require a written statement, signed by the plaintiff, that the plaintiff consents to the continuance.

8. Foreseeable discovery problems, including noncompliance or tardiness, will not constitute an acceptable ground for continuance of the trial. Counsel should act promptly to enforce the discovery schedule.

9. When timely discovery is not forthcoming after a reasonable attempt to obtain it, Judge Dalzell will act under Local Rule 26.1(g), subject to the movant's good faith compliance with Local Rule 26.1(f).

10. Trial depositions must be scheduled so as not to delay trial or disrupt trial preparation. They may not be taken later than fourteen days before the trial date unless the parties agree or the Court approves. Continuance applications because of refusal of an expert witness to appear for trial or to be available for trial deposition will not be granted unless notice of the trial date was given to the witness at least sixty days in advance or at the earliest reasonable opportunity.

11. A Pretrial Stipulation is required, signed by all counsel.\* Although counsel should consult Local Rule 16.1(c) for guidance, they should tailor the Pretrial Stipulation to be commensurate with the needs of the case. The foregoing sentence is intended to

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• A Pretrial Stipulation is not required in arbitrations, but is required in arbitration appeals. See Arbitration Scheduling Order form.

encourage brevity and simplicity. The Stipulation should be submitted at least fourteen days before the trial date or as specified in the Scheduling Order. Absent cooperation, counsel may file a separate pretrial memorandum with the permission of the Court. If the

Pretrial Stipulation is not submitted on time or in proper form, the Court may consider the case not ready for trial.

12. Unexcused violations of scheduling orders are subject to sanctions under Fed.R.Civ.P. 16(f), upon motion or the Court's initiative. The Court will normally sanction counsels' failure to appear at a Rule 16 pretrial conference by awarding costs to counsel who do appear.
13. Direct all communications regarding the trial calendar to Judge Dalzell's courtroom deputy clerk, Eileen Adler: (267-299-7399).

Judge Stewart Dalzell